

Readopt with amendment He-C 6910.01, 6910.02, 6910.04, and 6910.07, effective 7/1/02 (document #7723); readopt with amendment He-C 6910.03 and 6910.06, effective 7/1/02 (document #7723) as amended effective 6/21/05 (document #8377); readopt with amendment He-C 6910.05, effective 7/1/02 (document #7723), as amended effective 8/23/03 (document # 7939), as amended 6/21/05 (document #8377); readopt with amendment He-C 6910.09, effective 1/17/09 (document #9363); readopt with amendment He-C 6910.23, effective 3/21/09 (document #9435), and renumber as He-C 6910.10; readopt with amendment He-C 6910.10, 6910.12, 6910.14, and 6910.19, effective 7/1/02 (document #7723) and renumber as He-C 6910.11, He-C 6910.13, He-C 6910.15, He-C 6910.21, respectively; readopt with amendment He-C 6910.11, 6910.13, and 6910.21, effective 7/1/02 (document #7723), as amended effective 6/21/05 (document #8377), and renumber as He-C 6910.12, He-C 6910.14, and He-C 6910.23, respectively; readopt with amendment He-C 6910.15, effective 1/17/09 (document #9363), and renumber as He-C 6910.17 and He-C 6910.18; adopt new He-C 6910.16; readopt He-C 6910.16, effective 7/1/02 (document #7723), as amended effective 6/21/05 (document #8377), and renumber as He-C 6910.19; repeal He-C 6910.17, effective 7/1/02 (document #7723); readopt He-C 6910.18, effective 7/1/02 (document #7723), as amended effective 8/23/03 (document # 7939), as amended effective 6/21/05 (document #8377), and renumber as He-C 6910.20; readopt He-C 6910.20, effective 6/21/05 (document #8377), and renumber as He-C 6910.22; and readopt He-C 6910.22, effective 7/1/02 (document #7723) and renumbered effective 6/21/05 (document #8377), and renumber as He-C 6910.24;

CHAPTER 6900 CHILD CARE PROGRAM

PART He-C 6910 EMPLOYMENT-RELATED CHILD CARE

Statutory Authority: RSA 167:83, II(o)

He-C 6910.01 Purpose. The purpose of this part is for the department of health and human services (DHHS), through the division for children, youth, and families (DCYF) to:

- (a) Establish the eligibility criteria for child care scholarship which enables families to prepare for, secure, or maintain employment if those families meet and continue to meet the program requirements of He-C 6910;
- (b) Establish provider requirements for payment for child care scholarship on behalf of eligible families; and
- (c) Establish the payment amounts for child care scholarship.

He-C 6910.02 Scope.

(a) This part shall apply to families who require child care scholarship and who are either receiving financial assistance from DHHS under the Financial Assistance to Needy Families (FANF) program as described in He-W 602.02(a), or whose income is at or below 250% of the federal poverty level, as long as a family complies with the requirement described in He-C 6910.05(b). This part also applies to the providers who receive payment for child care services on behalf of these families.

(b) The scholarship payments established pursuant to He-C 6910 shall be contingent upon the availability and continued appropriation of sufficient funds for this purpose, and in no event shall DHHS be liable for any payments hereunder in excess of such available appropriated funds.

He-C 6910.03 Definitions.

(a) “Applicant” means a parent, caretaker relative or legal guardian of the child(ren) who applies for child care assistance.

(b) “Assistance group” means the individuals who are residing in the same household whose needs and income are considered and combined together when determining eligibility and the amount of assistance for child care.

(c) “Authorized service level” means the number of hours of child care for approved activities that includes employment, training and job search.

(d) “Caretaker relative” means a specified relative who is not the biological parent of the child(ren), but is providing care and supervision of the child(ren) in the assistance group.

(e) “Child care” means meeting a child’s need for supervision, food, activity and rest in order to assist a parent(s), caretaker relative, or legal guardian in preparing for, securing, or maintaining employment or employment-related education or training.

(f) “Child care assistance” or “child care scholarship” means payment to a provider of child care services on behalf of a family who meets the eligibility criteria of He-C 6910.

(g) “Child with a disability” means a child through the age of 17 who has a verified developmental, educational, emotional or medical disability.

(h) “Cost-share” means a DHHS determined portion of the standard rate fee charged to parents based on family size and income pursuant to He-C 6910.18.

(i) “District office (DO)” means one of the 12 New Hampshire regional offices of DHHS where families may apply for child care assistance provided by DHHS.

(j) “Eligibility period” means the time for which a family is determined eligible to receive child care assistance.

(k) “Employment-related activities” means “employment-related activities” as defined in RSA 167:78, IX, namely “participation in an activity that is designed to assist participants to enter, reenter, or remain in the workforce”.

(l) “Enrollment” means that a child care provider has met the requirements found in He-C 6910.20 and is authorized to receive payment for services from DHHS.

(m) “Family” means a child(ren) and an adult(s) who reside in the same household and who have a birth, foster, step, adoptive or legal guardianship relationship.

(n) “Financial assistance to needy families (FANF)” means the financial and medical assistance provided under the New Hampshire employment program (NHEP), family assistance program (FAP), families with older children (FWOC) program, interim disabled parent (IDP) program, and unemployed parent (UP) program.

(o) “Federal poverty guidelines (FPG)” means poverty guidelines, published in the Federal Register at least annually by the secretary of the United States Department of Health and Human Services, which are used as an eligibility criterion for community services block grant programs.

(p) “Fraud” means “fraud” as defined in RSA 167:58, IV.

(q) “Full time” means more than 30 hours of child care per week.

(r) “Half time” means 16 to 30 hours of child care per week.

(s) “Job search” means that an individual is actively seeking employment by contacting employers and participating in other job-seeking activities directed toward obtaining employment pursuant to He-C 6910.06(d)(2).

(t) “Leave of absence” means a temporary absence from work, training or education of 6 weeks or less due to medical reasons.

(u) “Legal guardian” means an individual, who is not a specified relative of a child(ren), who is given legal authority by a court and charged with the duty to provide care, custody and supervision of the child(ren).

(v) “Licensed” means a child care provider who has been issued a license to operate by the commissioner of DHHS, in accordance with RSA 170-E.

(w) “License-exempt” means a child care provider who is not required to be licensed, in accordance with RSA 170-E.

(x) “Monthly gross income” means total monthly moneys received before taxes and other deductions are applied.

(y) “NH Bridges” means the automated case management, information, tracking, and reimbursement system used by the division for children, youth and families and the division for juvenile justice services.

(z) “New Hampshire employment program (NHEP)” means the program administered by DHHS in accordance with RSA 167:78 through RSA 167:92.

(aa) “Notice of decision (NOD)” means a computer-generated, typed or handwritten notice, which advises families and providers of the results of eligibility determinations, or other changes in child care scholarship.

(ab) “Parent” means an individual who has a birth, adoptive, or step-parent relationship to the child(ren).

(ac) “Parent with a disability” means a parent who is unable to participate in employment-related activities and/or to care for and supervise his/her child(ren) because of physical or mental impairment, disease, or a combination of these conditions.

(ad) “Part time” means 1 to 15 hours of child care per week.

(ae) “Provider” means an individual, public or private organization supplying child care services to the family.

(af) “Recipient” means a family, or a member of a family, who is receiving child care assistance from DHHS.

(ag) “Redetermination” means a scheduled review of a recipient’s eligibility for services, and includes verification of all aspects of eligibility

(ah) “Specified relative” means any of the individuals listed in RSA 167:78, XXIII, with whom the eligible child(ren) lives.

(ai) “Standard rate” means a DHHS determined rate used to calculate child care scholarship and cost-share amounts.

(aj) “Termination” means the discontinuance of child care assistance received by an assistance group when the conditions of eligibility for receipt of the assistance are no longer met.

(ak) “Wait list” means a prioritized list of children eligible for child care scholarship who are waiting for funding to become available to receive child care scholarship.

He-C 6910.04 Application for Child Care Scholarship.

(a) An application for child care scholarship shall be made at a district office (DO).

(b) The applicant shall complete an application and participate in a face-to-face interview as described in RSA 167:79, III(j).

(c) The following information shall be provided by the applicant at the time of application for each member of the assistance group:

(1) His/her full name, including maiden name, if applicable, and any other names used previously;

(2) His/her date and place of birth;

(3) His/her social security number if the applicant chooses to provide it;

(4) His/her address, current and previously for the past 2 years;

(5) A description of the current living arrangements, such as whether the family lives in a residence of its own, with a relative(s) or others, is homeless, or if the child(ren) living with him/her is a foster child;

(6) The telephone number(s) at which he/she can be reached;

(7) Whether he/she ever received child care assistance from DHHS previously, including the following:

a. The type of assistance received;

b. The time period in which assistance was received; and

c. From which DO the assistance was received;

(8) The reason for requesting assistance at the time the application is made; and

(9) The total amount of gross income from all sources, or net income if self-employed as described in He-C 6910.05(d).

(d) The applicant shall indicate at the time of application the current child care arrangements, if any, including:

(1) The name of the provider;

(2) The cost of care; and

(3) Whether the provider is licensed or license-exempt.

(e) The applicant shall indicate at the time of application any circumstances that he/she anticipates might occur during the next 6 months which could affect eligibility, such as, changes in income, living arrangements, expenses, or provider(s).

(f) The application shall be signed by the applicant and the DO staff who completed the interview.

(g) If the applicant does not have a provider or if the applicant's provider is not currently enrolled with DHHS, the applicant shall be given the required provider enrollment forms at the interview and be required to sign and return the completed forms in accordance with He-C 6910.20(d)-(f).

He-C 6910.05 Financial Eligibility Requirements.

(a) To be financially eligible for child care scholarship, a family shall:

(1) Be receiving FANF financial assistance from DHHS, whether participating in NHEP or exempt from participation in NHEP in accordance with He-W 637.04;

(2) Be receiving FANF-related medical assistance as described in RSA 167:82, VI;

(3) Have applied for FANF financial assistance but not yet been approved and the applicant is participating in a job search; or

(4) Meet the gross income limit described in (b) below.

(b) Families shall be determined income eligible for child care if their monthly gross income for the appropriate family size does not exceed 250% of the "Poverty Income Guidelines for All States (except Alaska and Hawaii) and the District of Columbia" published annually in the Federal Register.

(c) All sources of gross income shall be counted when determining financial eligibility and family cost-share for child care, except those specified below:

(1) The income of any grandparent, when 3 generations are living in one household;

(2) Foster care payments;

(3) Adoption subsidies;

- (4) Any educational assistance, student loans, or scholarships used to cover educational expenses, such as tuition and mandatory fees, books, and school related travel;
 - (5) The income of a caretaker relative or a legal guardian and his or her spouse, unless the caretaker relative or legal guardian is also applying for child care assistance for his/her own child(ren), in which case his/her income and the income of his/her spouse shall count in the determination of eligibility for all of the child(ren);
 - (6) Money received from Americorp Volunteers in Service to America (VISTA); and
 - (7) Earned income from a dependent child(ren), as defined in He-W 601.55, who is a full time student attending primary or secondary school or equivalent pursuant to RSA 167:80, IV(b).
- (d) For self-employment, countable income to determine eligibility shall be the net income from sales, services or other business activities, after deducting business expenses, including depreciation, allowed by the Internal Revenue Service (IRS) for federal income tax purposes.
- (e) A self-employed individual who claims self-employment for 3 calendar years (36 months) shall demonstrate a weekly net income of at least 30 hours times the federal minimum wage for 6 of the most recent 12 months.
- (f) Resources, as defined in He-W 601.146, shall not be counted when determining financial eligibility and family cost-share for child care.

He-C 6910.06 Non-Financial Eligibility Requirements.

- (a) To be eligible for child care scholarship, the child shall reside in the same dwelling as the applicant seeking assistance.
- (b) Each child for whom child care assistance is requested shall be:
- (1) A resident of the state of New Hampshire;
 - (2) A United States (US) citizen or a non-citizen who meets the criteria for non-citizenship as described in He-C 6910.08(c); and
 - (3) Less than 13 years of age, except when the child meets the criteria for a child with a disability as described in (c) below.
- (c) A child age 13 or over shall not be eligible for child care scholarship, except when the child, through the age of 17, has a verified physical and/or mental condition which limits the child's ability to care for himself/herself, or he/she would cause harm to himself/herself or others without supervision as verified in accordance with He-C 6910.08(h).
- (d) Each applicant requesting child care scholarship shall be engaged in one or more of the following:
- (1) Employment;

- (2) Actively seeking employment through job search;
- (3) Participating in training or education which is preparatory to employment, including any internet training or education, subject to the limitations found in He-C 6910.12; or
- (4) Participating in one or more NHEP activities as described in He-W 637.

(e) Child care scholarship shall be available to applicants actively seeking employment and housing on the same day, who are without permanent housing as described in the McKinney Vinto Homeless Assistance Act, 42 U.S.C. 11301, subject to the verification requirements of He-C 6910.08(o).

(f) To be considered employed, an applicant shall be:

- (1) Receiving payment for his/her work; or
- (2) On a medical leave of absence of 6 weeks or less, which has been verified in accordance with He-C 6910.08(l).

(g) To be eligible for child care scholarship when both parents reside with the child(ren), the following shall apply:

- (1) Both parents shall comply with (d) above; or
- (2) One parent shall comply with (d) above and the other shall qualify as a parent with a disability in accordance with He-C 6910.08(i).

(h) When an individual is employed solely as a license-exempt child care provider, his/her child(ren) shall not be eligible for child care scholarship if they reside with the individual.

He-C 6910.07 Additional Eligibility Requirements for Participants of NHEP.

(a) Families in which an adult member is required to participate in NHEP shall be eligible for child care scholarship if the adult is:

- (1) In compliance with the provisions of He-W 637; or
- (2) Participating in one or more approved NHEP activities, as described in He-W 637.15 through 637.24, and as identified in his/her employability plan as described in He-W 637.12(c).

(b) NHEP participants shall also be eligible for child care scholarship when receiving the following:

- (1) Services identified in He-W 637.05; or
- (2) Services provided by community agencies while engaged in barrier resolution activities as described in He-W 637.18 and as identified in his/her employability plan.

He-C 6910.08 Verification Requirements. In order for an application to be approved, the applicant shall supply verification of eligibility requirements as follows:

(a) The name of each member of the assistance group shall be verified by one or more of the following documents:

- (1) His/her birth certificate;
- (2) His/her marriage certificate;
- (3) His/her divorce decree, if the name to be used subsequent to a divorce is changed;
- (4) His/her driver's license or other identification which contains a picture of the individual;
or
- (5) For a legal name change, the court documentation showing the legal name of the individual and the date the name change took effect;

(b) The date and place of birth of each member of the assistance group shall be verified by one or more of the following documents:

- (1) His/her birth certificate;
- (2) His/her baptismal certificate; or
- (3) His/her US passport;

(c) When a person was not born in the US but has either become a US citizen or been lawfully admitted to the US, one or more of the following documents shall be submitted to verify date and place of birth and citizenship status:

- (1) His/her birth record;
- (2) His/her certificate of citizenship or naturalization; or
- (3) The following US Immigration and Naturalization Service (INS) forms or documentation:
 - a. INS Form I-551, Permanent Resident card;
 - b. INS Form I-327, Re-entry Permit;
 - c. INS Form I-94, Arrival Departure Record, stating that the person has been admitted to the US as a refugee under Section 207(c) of the Immigration and Nationality Act;
 - d. INS Form I-94, Arrival Departure Record, stating that the person has been admitted to the US as an asylee under Section 208 of the Immigration and Nationality Act; or
 - e. Documentation from INS that the person has lawful temporary or permanent resident status under Section 201 or 302 of the Immigration Reform and Control Act;

(d) The relationship of any adult in the assistance group to the child(ren) in the assistance group shall be verified by one or more of the following:

- (1) The child's birth record containing the name(s) of his/her parent(s);
 - (2) The adult's birth record containing the name(s) of his/her parent(s);
 - (3) A marriage certificate containing the names of the parties who were married, including any maiden or previous names used;
 - (4) Any additional birth or marriage records necessary to show the relationship of the child(ren) to the adult(s) in the assistance group;
 - (5) For a legal guardian, the court documentation indicating the relationship of the adult to the child as that of a legal guardian; or
 - (6) For a caretaker relative, one or more of the following documentation:
 - a. A court order giving the caretaker relative the duty of care, custody and supervision of the child;
 - b. A document showing power of attorney for the child(ren) by the caretaker relative with whom the child(ren) lives; or
 - c. A statement from the child's parent(s) that the caretaker relative is the individual who shall provide care and supervision for the child on his/her behalf;
- (e) To verify address, both current and for the previous 2 years, any of the following verifications shall be acceptable:
- (1) Rental receipts which show the address of the family for the past 2 years;
 - (2) If the home is owned, the deed or mortgage receipts which indicate the address of the family for the past 2 years;
 - (3) Utility or telephone bills which show the address of the family for the past 2 years; or
 - (4) A statement from all landlord(s) for the past 2 years that includes the address of the family, how long the family has resided at that address, and the names of all residents at that address;
- (f) Monthly gross income of each member of the assistance group shall be verified by one or more of the following, as applicable:
- (1) His/her pay stubs for the most current 4 weeks;
 - (2) A statement from his/her employer indicating the gross amount of pay received for the most current 4 weeks, or if employed less than 4 weeks:
 - a. The gross amount of pay received to date;
 - b. The actual hourly rate of pay, or if a salary employee, the amount of salary per month;

c. The actual number of hours of work per week; and

d. If any commissions or tips are received, an estimation of the amount of the commission or tips per week or month;

(3) Any anticipated changes in hours worked or hourly rate of pay within the next 6 months;

(4) For self-employment, the individual's current records of business receipts and expenses, including the last IRS tax filing, if filed;

(5) The amount of any unearned income, as defined in He-W 601.176, received per month verified by one or more of the following:

a. A copy of the check(s) or a check stub(s) for the most current 4 weeks; or

b. Documentation from the organization making the payment to the individual indicating the amount of income received and how often; and

(6) Any contributions of moneys to the family from any source, verified by a statement from the contributor which indicates the amount, frequency, and expected end date of the contribution;

(g) Parents or guardians shall obtain information for documenting a child's disability on form 2628, verification for a child with a disability, for a child 12 and under per He-C 6910.06(b)(3) from one of the following:

(1) An area agency family centered early supports and services program;

(2) The child's school district or special education services; or

(3) The child's physician, psychologist, or licensed social worker therapist;

(h) Acceptable verification per He-C 6910.06(c) for a child with a disability over the age of 13 shall be a signed and dated statement from a physician or licensed mental health professional:

(1) Indicating the child's condition; and

(2) Specifying the child's need for supervision;

(i) Acceptable verification for an adult claiming that he/she is a parent with a disability shall be a signed and dated statement from a physician or licensed mental health professional indicating:

(1) The medical condition, disease, or disability of the adult;

(2) The expected duration of the condition, disease, or disability; and

(3) That the adult is unable to work and to care for and supervise his/her child(ren) because of the condition, disease, or disability;

(j) For those individuals who are not NHEP participants, but who are in a training or education program, including any internet training or education programs, the acceptable verification of the training or education shall be a signed and dated statement from the school or training organization indicating:

- (1) That the individual is enrolled in the program;
- (2) That the program shall lead to a degree or certificate at the associate's level or less in a specific field of employment;
- (3) The duration of the program; and
- (4) The class schedule, including hours of class attendance;

(k) An individual may claim hours for payment for child care scholarship for hours worked on the night shift between 10:00 pm and 6:00 am and up to the same number of hours resting the following day if the following requirements are met:

- (1) The individual shall have worked at least 4 hours between 10:00 pm and 6:00 am; and
- (2) Acceptable verification for claiming such hours shall be a signed and dated statement from the individual's employer, or, if self-employed, the individual's customer, stating the hours of the shift that the individual works each week;

(l) If an individual is on a medical leave of absence from work, the following verifications shall be required:

- (1) A signed and dated statement from the employer stating that the employer has approved the leave of absence and that the individual shall be able to immediately return to his/her job at the end of the leave of absence; and
- (2) A signed and dated statement from a physician or licensed mental health professional describing the reason for the leave of absence and that the expected duration of the leave shall not exceed 6 weeks;

(m) If an individual is on a medical leave of absence from a training or education program, the following verifications shall be required:

- (1) A signed and dated statement from the institution where the individual attends the training or educational program stating that the leave of absence is approved and that the individual shall be able to immediately re-enter the training or educational program at the end of the leave of absence; and
- (2) A signed and dated statement from a physician or licensed mental health professional describing the reason for the leave of absence and that the expected duration of the leave shall not exceed 6 weeks;

(n) Acceptable verification that an individual is participating in job search shall be a signed and dated statement from a public or private employment agency stating that the individual is registered for the purpose of seeking employment; and

(o) Acceptable verification that an individual is seeking employment and housing on the same day shall be the same as in (n) above and a statement from the director or head of the homeless shelter or temporary housing indicating what attempts to locate housing the applicant or recipient has made. Temporary housing shall be any non-permanent living arrangement as described in the McKinney Vinto Homeless Assistance Act, 42 U.S.C. 11301.

He-C 6910.09 Eligibility Determination and Length of Time.

(a) When an application has been made in accordance with He-C 6910.04 and all required verification has been submitted as described in He-C 6910.08, the DO staff shall make a determination of eligibility for child care scholarship.

(b) If at the time of the application interview not all required verifications have been submitted, the DO staff shall give the applicant a written notice listing the verification(s) which are still required to determine eligibility.

(c) The notice in (b) above shall state that the applicant must submit the required verification(s) to the DO staff within 10 calendar days of the date of the notice, or the application shall be denied.

(d) An eligibility determination for child care scholarship shall be made within 30 calendar days of the date of application.

(e) Eligibility for child care scholarship shall be determined as follows:

(1) The assistance group composition shall be determined, including all of the following individuals residing in the same dwelling:

- a. All children under 18 years of age who have a biological, foster, step, or adoptive relationship;
- b. All children up to the age of 20 who have a biological, foster, step, or adoptive relationship if they are attending primary or secondary school or equivalent pursuant to RSA 167:80, IV(b); and
- c. Any adult who has a biological, foster, step, adoptive, caretaker relative, or legal guardianship relationship to any child in a. above;

(2) An applicant shall comply with the following or the family shall be determined not eligible for child care scholarship and the application denied:

- a. The applicant shall be engaged in one of the activities listed in He-C 6910.06(d); or
- b. The applicant shall meet the criteria for a parent with a disability as described in He-C 6910.08(i);

(3) When 2 parents live together in the same assistance group, both shall comply with He-C 6910.06(d) or the family shall not be eligible for child care scholarship and the application denied;

(4) When an applicant is a NHEP participant, he/she shall be eligible under He-C 6910.07(a) or (b), or the family shall not be eligible for child care scholarship and the application denied;

(5) A family shall be determined financially eligible for child care scholarship if the family meets the criteria of He-C 6910.05(a)(1), (2), (3), or (4) as follows:

- a. Determine the family size which shall be the same number as members in the assistance group;
- b. Calculate the monthly gross income of the assistance group by adding together all assistance group members' monthly gross earned and unearned income, except for:
 1. Income specifically excluded in He-C 6910.05(c); and
 2. Self-employment income, which shall be added as net income as described in He-C 6910.05(d); and
- c. Compare the result obtained in b.2 above, using the appropriate family size as determined in a. above, to the monthly gross income amount described in He-C 6910.05(b) as follows:
 1. If the assistance group's total monthly gross income does not exceed the monthly gross income amount described in He-C 6910.05(b), then the family shall be determined financially eligible for child care scholarship; or
 2. If the assistance group's total monthly gross income does exceed the monthly gross income amount described in He-C 6910.05(b) for the appropriate family size, the family shall be determined not financially eligible for child care scholarship and the application shall be denied;

(6) If the assistance group meets the non-financial and financial requirements described in (1)-(5) above and He-C 6910.05 and He-C 6910.06, then the application shall be approved;

(7) A child shall be excluded from the payment for child care scholarship if he/she does not meet any one of the following:

- a. The citizenship criteria of He-C 6910.08(b) or (c);
- b. The age criteria of He-C 6910.06(b)(3) or (c);
- c. The child with disability criteria of He-C 6910.08(h); or
- d. No payment was made on the child's behalf in the previous 90 days;

(8) A NOD shall be mailed to the applicant as described in He-C 6910.11 as soon as an eligibility determination is made, but no later than 30 days from the date of the application;

(9) The family shall have 30 days from the date in (8) above to arrange for child care with an enrolled provider and return a completed Form 2530, Child Care Provider Verification, pursuant to He-C 6910.20;

(10) If the family fails to comply with (9) above, child care eligibility shall be closed except for the following circumstances:

- a. The family is unable to find child care within 30 days with assistance from a resources and referral agency;
- b. The parent or child has an in-patient hospital stay during the 30-day period; or
- c. Incorrect data has been entered regarding the child care link;

(11) The month of application shall be the first month of the eligibility period, regardless of what day of the month the family applied;

(12) Eligibility for child care scholarship shall begin on the day the application was received, if the family was determined eligible;

(13) The eligibility period for child care scholarship shall not exceed 6 months, except as noted below:

- a. If the family is also receiving FANF financial assistance or food stamps, the end date of the eligibility period shall be adjusted to coincide with the eligibility period of those programs; and
- b. If the family is receiving FANF-related medical only assistance, and no food stamps, the eligibility period shall be up to a maximum of 12 months to coincide with the eligibility period of the medical assistance, except for families on the child care wait list who are subject to redetermination every 6 months; and

(14) Prior to the end of the eligibility period, the family shall request a redetermination of eligibility in accordance with He-C 6910.14 in order to continue to receive child care scholarship.

He-C 6910.10 Child Care Assistance Wait List.

(a) When annual departmental cost projections reflect that available funds will be over-expended for the current fiscal year, a wait list shall be established for the provision of additional child care scholarship.

(b) Prior to the establishment of the wait list, the following procedures shall be followed:

- (1) All open child care cases shall be reviewed for utilization;
- (2) Those cases for which no payment has been made in the past 90 days shall be closed;
- (3) Families whose cases have been closed shall receive a notice of decision with a 10-day advance notice period; and
- (4) Closed cases shall be reopened if families provide the required documentation within the 10-day time frame.

(c) The following children shall be exempt from the wait list in (a) above:

- (1) Children in preventive and protective services; and

(2) Children in families currently receiving FANF benefits or within 3 months after FANF closes due to increased hours of employment or increased income from employment.

(d) The department shall not pay for child care services provided to a child while he or she is on the wait list.

(e) Families shall comply with all eligibility requirements and be determined eligible in accordance with He-C 6910.05 through He-C 6910.07 before being placed on the wait list.

(f) Pursuant to He-C 6910.09(e)(13)b., children on the wait list shall be subject to redetermination of family eligibility every 6 months.

(g) If families are determined ineligible or fail to maintain their eligibility status, their children shall be removed from the wait list.

(h) If children have been removed from the wait list, pursuant to (g) above, the family shall re-apply and be determined eligible for child care scholarship. The new application date shall determine the child's position on the wait list.

(i) The wait list shall be prioritized into the following groups:

(1) The first priority group shall include:

- a. Children in families with monthly gross income at or under 100% of the federal poverty level; and
- b. Siblings of children who are members of a currently eligible family with an approved provider and are actively receiving assistance; and

(2) The second priority group shall include all other children determined eligible for child care assistance who do not meet the criteria of the first priority group in (1) above.

(j) Eligible children shall be added to (i)(1) or (i)(2) above according to the date of their signed application.

(k) As funds become available, funds shall be released to offer child care scholarship to children on the wait list in priority order, as follows:

(1) According to the date of a family's signed application; and

(2) Alternating between:

- a. Two children from the first priority group in (i)(1) above; and
- b. One child from the second priority group in (i)(2) above.

(l) When child care scholarship becomes available to a child on the wait list, families shall receive a notice of determination (NOD) stating the following:

(1) The date that one or more of their children has been released from the wait list;

(2) The date in (1) above shall be the date that funds are available for payment; and

(3) No payment shall be made for child care services received prior to the date in (1) above.

(m) The family shall have 30 days from the date in (1)(1) above to arrange for child care with an enrolled provider and return the provider verification form to DHHS, pursuant to He-C 6910.20.

(n) If the family fails to comply with (m) above, child care eligibility shall be closed, except for the following circumstances:

(1) The family is unable to find child care within 30 days with assistance from a child care resource and referral agency;

(2) The parent or child has an in-patient hospital stay during the 30-day period; or

(3) Incorrect or no data has been entered regarding the child care link.

He-C 6910.11 Notices of Decision.

(a) A family shall receive a NOD whenever child care scholarship is approved, denied, or when a child is added to or released from the wait list.

(b) A family and provider shall receive a NOD whenever the scholarship is increased, decreased, redetermined, terminated, or when DHHS establishes or ends the link between the child and provider that controls payments.

(c) The NODs shall contain the following information for families or providers, as applicable:

(1) The eligibility decision shall include one or more of the following:

- a. An approval;
- b. A denial;
- c. A cost-share increase or decrease;
- d. A redetermination of eligibility;
- e. A termination;
- f. An addition to the wait list; or
- g. A release from wait list.

(2) The reason for the decision;

(3) The eligibility period, for an approval or redetermination;

(4) The proposed effective date of the denial, decrease, or termination, which shall be 10 days from the date of the notice;

- (5) The maximum income limit for the family size;
- (6) The total monthly gross income amount for the assistance group, except that this information shall be blank on the provider's copy;
- (7) The income computation used to determine the eligibility decision, except that this information shall be blank on the provider's copy;
- (8) If the family is determined eligible, each eligible family member's name and DHHS recipient identification number, which is a uniquely assigned number for each assistance group member;
- (9) The percent of family income assessed for cost-share, based on the family monthly gross income and household size per He-C 6910.18;
- (10) Family cost-share amount per He-C 6910.18;
- (11) Authorized service level, full time, half time, or part time for the child(ren);
- (12) The right to appeal in accordance with He-C 6910.23 if the family is aggrieved by the eligibility decision; and
- (13) Funds are now available and the child is now released from the wait list.

He-C 6910.12 Limitation of Child Care Scholarship in Certain Situations. Insofar as funding and resources allow, child care assistance shall be unlimited in duration if the family meets and continues to meet the program requirements of He-C 6910, except as follows:

(a) Families which have an unemployed parent(s), caretaker relative, or legal guardian may use a maximum of 40 days of child care in any 6-month period to seek employment or to seek employment and housing on the same day when:

- (1) The family has applied for FANF financial assistance but an eligibility determination has not yet been made; or
- (2) The family is not receiving FANF financial assistance but is otherwise eligible for child care assistance in accordance with He-C 6910;

(b) If FANF financial assistance is denied, the number of days of child care scholarship received while waiting for the eligibility decision shall count toward the 40-day maximum described in (a)(1) above;

(c) Families in which a parent(s) is participating in a training program or course of study shall be eligible for child care scholarship during the training program or course of study as follows:

- (1) If the family is not receiving FANF financial assistance, the training program or course of study shall:
 - a. Prepare the parent for employment;

- b. Lead to a degree or certificate in a specific field of employment;
- c. Not exceed 2 years of study in a lifetime; and
- d. Not result in a degree or certificate at the bachelor's level or higher;

(2) If the family is receiving FANF financial assistance, the training program or course of study shall:

- a. Prepare the parent for participation in a degree or certificate program, employment, or employment advancement;
- b. Lead to a degree or certificate at the associate's level or less in a specific field of employment, such as, but not limited to, an associate degree in computer technology or a licensed practical nurse certification; and
- c. Be authorized only after:
 - 1. The NHEP representative and the parent have decided upon a realistic vocational goal; and
 - 2. The parent has both an assessment and an employability plan that has been approved in accordance with He-W 637.09 and He-W 637.12; or

(3) If the parent(s) is an NHEP participant, a single training course or courses of study shall:

- a. Prepare the parent(s) for immediate employment;
- b. Be vocationally specific;
- c. Not exceed 2 courses in any 12-month period ending June 30 of each year; and
- d. Be authorized only after:
 - 1. The NHEP representative and the parent(s) have decided upon a realistic vocational goal; and
 - 2. The parent(s) has both an assessment and an employability plan that has been approved in accordance with He-W 637.15(a);

(d) A family shall be eligible for child care scholarship when an adult who is a NHEP participant is attending a training or education program preparatory to employment only for the following length of time:

- (1) A period not to exceed one year of full time study, with full time study being defined by the institution; or
- (2) When attendance is less than full time, a period of one and one-half times the period for which it is customary for completing the program, as defined by the institution, and not to exceed 18 months;

(e) Families in which an adult is participating in NHEP and attending an associate degree program shall be eligible for child care scholarship under the following conditions:

- (1) For up to one year of full time study; and
- (2) The course of study is necessary to meet individual goals that are directly related to obtaining gainful employment in a recognized occupation;

(f) Families who are receiving FANF financial assistance and in which an adult member is participating in NHEP and attending an associate degree program shall be eligible for child care scholarship even if the program is not on the approved employability plan or if he/she does not have an employability plan only under the following conditions:

- (1) For up to one year of full time study;
- (2) The course of study is necessary to meet individual goals that are directly related to obtaining gainful employment in a recognized occupation; and
- (3) The NHEP participant is not under sanction for non-compliance with NHEP requirements;

(g) Families receiving FANF financial assistance from DHHS shall be eligible for child care scholarship while an adult assistance group member is participating in any work study or internship required by the institution in order to complete a program of education;

(h) Families not receiving FANF financial assistance from DHHS who are participating in work study or internship shall:

- (1) Be considered to be employed; and
- (2) Have any income received from the work study or internship counted as part of the family's monthly gross earned income in the determination of assistance in accordance with He-C 6910.09(e)(5)b.;

(i) Families in which an adult member is a NHEP participant who is engaged in basic and alternative educational activities leading to a high school diploma or equivalent, or to increase literacy levels, shall be eligible for child care scholarship as long as he/she makes satisfactory progress as defined in He-W 637.01 in one of the following programs:

- (1) General educational development (GED) programs;
- (2) Remedial or basic education programs;
- (3) High school diploma program;
- (4) Alternative educational high schools;
- (5) English as a second language;
- (6) Job training council out-of-school youth programs; and

(7) Special programs for individuals with learning disabilities;

(j) With the exception of individuals who meet the conditions of He-W 637.17(b)(12), a family that contains an adult member who is a NHEP participant enrolled in GED classes funded by DHHS and which meets for a minimum period of time as specified in Section 407 of the Social Security Act, as amended by Public Law 104-193, shall be eligible for child care scholarship for a limit of 2 calendar years; and

(k) Child care scholarship shall not be paid by DHHS when an adult is participating in a pre-requisite course in preparation for post-secondary education or training except in the case of the nursing program, in which case the prerequisite courses shall be limited to two.

He-C 6910.13 Reporting Changes.

(a) A change in any of the family circumstances listed below shall be reported by the recipient to the DO staff within 10 days of the date the change occurs:

- (1) The composition of the assistance group, such as, an individual leaving or moving in;
- (2) A change of address;
- (3) The income of any member of the assistance group, such as, but not limited to, a change in the hourly rate of pay, the number of hours worked, or loss of or start of employment;
- (4) The provider who is providing child care services for one or more of the children; or
- (5) Employment-related activity, such as, but not limited to, ending job search when employment is found or ending training or education activities to enter into job search activities.

(b) DHHS shall:

- (1) Review whether the assistance group continues to be eligible once a change in circumstances as described in (a) above has been reported and the facts verified subject to He-C 6910.08; and
- (2) Send a NOD to the family if the reported change results in a decrease, increase, or termination of child care scholarship and family cost-share as described in He-C 6910.10.

(c) Any decrease in child care scholarship or termination of eligibility that results from a change in family circumstances shall be effective 10 days from the date of the NOD, unless the family requests a continuance of child care scholarship pending the outcome of an appeal in accordance with He-C 6910.23.

He-C 6910.14 Redetermination of Eligibility.

(a) Eligibility for child care scholarship shall terminate at the end of the eligibility period unless the parent, caretaker relative or legal guardian requests a redetermination and is found eligible before the end of the current eligibility period.

(b) The purpose of the redetermination shall be to verify and update the information and documentation provided on the application or at the most recent redetermination in an effort to determine current eligibility.

(c) A redetermination shall be conducted in the same manner as an application in accordance with He-C 6910.04, except:

(1) Verification of information regarding assistance group members, such as name, address, birth information, and citizenship, shall not be required unless changes in assistance group composition or address have occurred since application or the most recent redetermination;

(2) For a child with a disability, verification of disability shall not be required if the condition is considered chronic and non-changing as certified by the physician or licensed mental health professional at the time of application or when verification of disability was submitted; or

(3) Families whose eligibility period is determined in accordance with He-C 6910.09(e)(13) shall meet the personal interview requirements specified in He-W 636.01.

(d) Continued eligibility shall be determined in accordance with He-C 6910.09 and the eligibility period shall continue for another 6 months or in accordance with He-C 6910.09(e)(13).

(e) The family shall receive a NOD regarding the redetermination of eligibility decision in accordance with He-C 6910.11.

(f) If the family is determined to be no longer eligible, child care scholarship shall end on the date specified on the NOD, unless continuation of child care scholarship is requested pending the outcome of an appeal in accordance with He-C 6910.20(b).

(g) If a family requests a redetermination after the end of the family's eligibility period, the request shall be treated as a new application in accordance with He-C 6910.04 and, if found eligible, a new eligibility period shall begin on the day the application was received in the DO and shall be subject to the wait list pursuant to He-C 6910.

(h) If at the time of redetermination it is reported by the family that a new provider is providing child care services, that provider shall be enrolled in accordance with He-C 6910.20 before payment can be made to the provider.

He-C 6910.15 Leave of Absence from Work and Breaks in Education or Training Programs.

(a) A parent, caretaker relative or legal guardian shall be considered as being employed if he/she is on a verified medical leave of absence of 6 weeks or less and is assured of immediate re-entry to his/her job with the same employer when the absence ends, subject to the verification requirements of He-C 6910.08(l).

(b) A parent, caretaker relative or legal guardian in a training program or course of study shall be considered in training or education during a medical leave of absence if the leave of absence is for 6 weeks or less and the individual is assured of immediate reentry in the program when the absence ends, subject to the verification requirements of He-C 6910.08(m).

(c) When a parent, caretaker relative or legal guardian takes a scheduled, short-term break from his/her training program or course of study, child care scholarship shall continue whether or not the child(ren) is cared for by the provider, when the following apply:

- (1) The child(ren) would otherwise lose the availability to be cared for by that provider; and
- (2) The total number of days of the break or breaks does not exceed 30 days in any 12-month period.

(d) A scheduled, short-term break shall not include the summer break in a training program or course of study, and child care scholarship shall not be paid during that time, regardless if the training program or course of study has a scheduled summer break.

(e) When a parent, caretaker relative or legal guardian takes an unscheduled or long-term break exceeding 30 days from his/her training program or course of study, the following shall apply:

- (1) Child care scholarship shall terminate if the parent, caretaker relative or legal guardian is not participating in another training or education program or participating in job search; and
- (2) The unused portion of the original 2-year lifetime limit, as described in He-C 6910.12(c)(1)c. shall be available when the parent, caretaker relative or legal guardian:
 - a. Reapplies for child care scholarship;
 - b. Meets eligibility criteria in accordance with He-C 6910; and
 - c. Returns to the same training or education program.

(f) An unscheduled or long-term break shall not count in the determination of the end of the 2-year limit described in (e)(2) above.

He-C 6910.16 Required Activities for Child Care Scholarship Payments.

(a) Child care scholarships shall be limited only to the hours that the applicant or recipient is:

- (1) At work or looking for work;
- (2) In training or attending class, including internet training;
- (3) In a work study, subject to the limitation in He-C 6910.12(h)(2) for non-FANF recipients;
- (4) Required to participate in a NHEP activity as described in He-W 637;
- (5) Performing duties for VISTA;
- (6) Studying, not to exceed the number of classroom hours spent in a week, and only if billed within the same week as those classroom hours;
- (7) Commuting, when those commutes are related to (1)-(5) above; or

(8) Resting, if the parent works any 4 hours of the day from 10:00 p.m. to 6:00 a.m. and the child would otherwise be without care and supervision.

He-C 6910.17 Child Care Scholarship Standard Rate Methodology.

(a) Child care standard weekly rates shall be established by utilizing a federally required market rate survey (MRS) of New Hampshire licensed child care center and licensed family child care home rates conducted every 2 years.

(b) Standard weekly rates shall be established for licensed child care centers and licensed family child care homes at the 50th percentile of the most recent MRS for each age category as established by DHHS.

(c) A standard weekly rate for license-exempt providers shall be established at 70% of the licensed family child care home standard rate for each age category.

(d) A standard weekly rate for license-exempt child care centers shall be established at 50% of the licensed child care center standard rate.

(e) The amount of the child care scholarship payment to the provider shall be their charge for the service or the DHHS maximum allowable amount after subtracting family cost-share from the child care standard rate, whichever is lower.

(f) The standard weekly rate for licensed and license exempt child care centers and family, friend and neighbor shall be proportioned for half time and part time child care.

(g) In addition to the standard rates above, a supplemental payment of \$50 full time, \$30 half time, and \$15 part time per week shall be paid for a child with a disability subject to the verification described in He-C 6910.08(g) and (h).

(h) The supplemental payment shall be effective the Monday following the approval date on Form 2628.

(i) When a child's age in months reaches the beginning of a new age category, that is one of the following 0-17, 18-35, 36-78 or 79-155 months for payment, pursuant to He-C 4002.01, the payment rate shall be changed effective the Monday following the change in age category.

(j) The scholarship payments established pursuant to He-C 6910 are contingent upon the availability and continued appropriation of sufficient funds for this purpose, and in no event shall DHHS be liable for any payments hereunder in excess of such available appropriated funds.

He-C 6910.18 Cost-share Determination.

(a) If an application is approved, a family child care scholarship cost-share shall be within one of 7 steps and be determined as a percent of monthly gross family income adjusted for family size shown in Table 6910.1 and determined as follows:

(1) Families whose monthly gross income is 100% of or below the federal poverty guidelines described in He-C 6910.05(b) shall be eligible for step 1;

- (2) If an assistance group is applying for FANF financial assistance and contains an adult member who is participating in job search, then the assistance group shall be eligible for step 1;
- (3) Families whose monthly gross income is 101% to 120% of the federal poverty guidelines as described in He-C 6910.05(b), shall be eligible for step 2;
- (4) Families whose monthly gross income is 121% to 140% of the federal poverty guidelines as described in He-C 6910.05(b) shall be eligible for step 3;
- (5) Families whose monthly gross income is 141% to 160% of the federal poverty guidelines as described in He-C 6910.05(b) shall be eligible for step 4;
- (6) Families whose monthly gross income is 161% to 190% of the federal poverty guidelines as described in He-C 6910.05(b) shall be eligible for step 5;
- (7) Families whose monthly gross income is 191% to 220% of the federal poverty guidelines as described in He-C 6910.05(b) shall be eligible for step 6; and
- (8) Families whose monthly gross income is 221% to 250% of the federal poverty guidelines as described in He-C 6910.05(b) shall be eligible for step 7.

(b) Changes in the monthly gross income limit used to calculate eligibility shall be effective on the first day of July following publication of the annual update of the federal poverty income guidelines in the Federal Register.

(c) Family cost-share shall be calculated by taking the family's monthly gross income, adjusted for family size, multiplied by the cost-share percent associated with the step assigned to the family from Table 6910.1 and divided by 4.33.

Table 6910.1 Eligibility and Family Cost-share

Step	Federal Poverty Guidelines	Family Cost-share Assigned
1	Less than 100% FPG	1%
2	101% to 120%	5%
3	121% to 140%	7%
4	141% to 160%	10%
5	161% to 190%	15%
6	191% to 220%	18%
7	221% to 250%	20%

(d) Family cost-share assigned to the family shall be divided equally among all eligible children enrolled with an approved child care provider.

(e) For any child assigned to more than one enrolled provider, the cost-share for that child shall be divided equally among the providers.

(f) Family cost-share shall be deducted from the weekly standard rate paid by DHHS to approved child care providers.

(g) Child care providers shall be responsible for collecting cost-share from families as they would collect fees from all families in care.

(h) Families receiving child care scholarships shall be responsible for paying cost-share, if charged, directly to the child care provider in a timely manner and are subject to the provider's policies for non-payment if they fail to do so.

(i) Child care providers who charge more than the child care scholarship weekly standard rate to private pay families may charge the difference between their usual rate and the child care scholarship payment in addition to the assigned cost-share to the families with scholarships.

(j) For families with scholarships, child care providers may also forego the difference between the child care scholarship payment and their usual rate for private pay families.

(k) Changes in the cost-share amount shall become effective the Monday following the change in monthly gross income, as specified in the NOD.

He-C 6910.19 Child Care Payments and Provider Billing Requirements.

(a) Child care payments shall be made by DHHS directly to a provider based on authorized levels of services that will be part, half or full time for the week.

(b) Child care payments shall be made if:

(1) The family was eligible for and receiving child care scholarship during the time period covered in the provider billing;

(2) The billing invoice for child care services was signed by the provider and the parent/guardian/caretaker relative after services were provided;

(3) The billing invoice is received by DHHS within 90 days of the date service was provided; and

(4) The provider is enrolled with the department.

(c) A provider shall submit invoices for payment of child care services rendered to eligible families as follows:

(1) On Form 2500, Child Care Payment Request, in accordance with (d)-(f) below; or

(2) Via web billing, in accordance with (g)-(j) below.

(d) On a weekly basis, the child care provider and parent, caretaker relative or legal guardian shall complete the Form 2500, Child Care Payment Request Invoice, for each child.

(e) A completed Form 2500 shall be submitted by the provider no later than 90 days following the last date of service on the invoice to:

Department of Health and Human Services
Data Management Unit
P O Box 2000

Concord, NH 03302-2000

- (f) A completed Form 2500 shall not include fees or extra charges assessed by the provider.
- (g) If a provider wishes to submit billing via the web, the provider shall request a web billing account from DHHS.
- (h) Upon receipt of a web billing account request, DHHS shall issue to the provider a user identification to use with the account and a personal identification number (PIN), which the provider may change at any time.
- (i) The provider shall not transfer his/her PIN or allow use of his/her PIN to any other person.
- (j) If the licensed provider wishes to have additional staff submit invoices for payment via a web billing, then each staff member shall submit a request for his/her own PIN as described in He-C 6910.19 (g) and (h); and
- (k) Each child care provider shall maintain in his/her records the weekly attendance sheets for each week billed, including the signature of the parent, caretaker relative or legal guardian, for 7 years.
- (l) A provider shall report all child care payments received as income when requesting other services from DHHS so that DHHS can consider this income in determining the provider's eligibility for other services.
- (m) When no payment for a specific child has been made within the past 90 days, the provider shall no longer have the authority to bill DHHS for that child.
- (n) If a child care provider has not received payment for more than 12 consecutive months, then his/her enrollment shall be closed. If the provider wants to provide services for eligible children and receive payment from DHHS for those services, the provider shall re-enroll in accordance with He-C 6910.20.
- (o) DHHS shall issue to a provider a federal Form 1099 in January of each calendar year if the total reportable payment from all state agencies equals \$600 or more.
- (p) When more than one provider is used per child per week, the scholarship amount due to each provider shall be paid separately and be based on the family's authorized level of service.

He-C 6910.20 Provider Qualifications and Requirements for Enrollment.

- (a) For a child care provider to receive payment for child care services provided to an applicant or recipient, the provider shall:
 - (1) Meet the qualifications of a provider as described in (b) through (e) below;
 - (2) Be enrolled with DHHS as described in (f) through (h) below;
 - (3) If license-exempt, complete a criminal records and central registry check in accordance with He-C 6920; and

(4) Allow the parent, caretaker relative or legal guardian access to the child(ren) at all times while the child is in the provider's care.

(b) A provider shall:

- (1) Be licensed or license-exempt;
- (2) Be 16 years of age or older;
- (3) Not reside in the home with the parent or child(ren) receiving scholarship;
- (4) Not be a parent of a child for whom he/she is providing care;
- (5) If license-exempt, care for 3 or fewer children, other than his/her own in the caregiver's home, or meet the exemption criteria as specified in RSA 170-E:3, I (a)–(g);
- (6) If licensed, have a valid New Hampshire child care license or valid permit to operate in accordance with He-C 4000; and
- (7) Agree to and sign the Form 2631 or 2632, Child Care Provider Agreement.

(c) Either party may terminate the provider agreement in (b)(7) above without cause, following a 30-calendar day written notification to the other party by registered mail.

(d) To be enrolled with DHHS, the provider and the applicant/recipient shall comply with the enrollment rules He-C 6920 and complete the following forms:

- (1) Form 2610, Provider Enrollment;
- (2) Alternate W-9-Form, Payer's Request for Taxpayer Identification Number and Certification; and
- (3) Form 2530, Child Care Provider Verification.

(e) Upon completion and signature of the forms in (d) above by both the applicant/recipient and the provider(s), the applicant/recipient shall return the completed forms to:

Department of Health and Human Services
Child Development Bureau
129 Pleasant Street
Concord, NH 03301

(f) In addition to the forms required by (d) above:

- (1) Licensed providers shall submit:
 - a. A completed Form 2632, Child Care Provider Agreement; and
 - b. A copy of the current license issued by DHHS's Child Care Licensing Unit; and
- (2) License-exempt provider shall submit:

- a. A completed Form 2631, Child Care Provider Agreement;
- b. A completed Form 2601, Background Check Authorization; and
- c. Notarized criminal records authorizations.

(g) Upon receipt of the completed forms required by (d) and (f) above, and after completion of background checks, DHHS shall send a confirmation to the provider indicating that the provider has been enrolled with DHHS and has been assigned a unique NH Bridges resource identification number, if there are no concerns pursuant to He-C 6920, revealed in the background checks.

(h) A provider shall use the uniquely assigned NH Bridges resource identification number on all billing invoices for payment to be made.

(i) A provider shall be re-enrolled when his/her tax identification number is changed from a social security number to an employer identification number or vice versa.. Re-enrollment shall be the same as is required under He-C 6910.20, except that the notarized criminal records authorizations and Form 2601 shall not be required.

(j) If a provider has his/her child care license denied, suspended or revoked pursuant to He-C 4000, then DHHS shall review the facts of the licensing denial, suspension or revocation to determine if the provider meets the qualifications of a license-exempt provider in accordance with He-C 6910.20 and RSA 170-E:12.

He-C 6910.21 Termination. Child care scholarship shall terminate as follows:

(a) A child shall be terminated from child care scholarship effective the day on which he/she turns age 13, unless the child meets the criteria of a child with a disability as described in He-C 6910.08(h), in which case the child shall be terminated from child care scholarship effective the day on which he or she turns age 18;

(b) Child care scholarship shall terminate whenever a family no longer meets the eligibility requirements found in He-C 6910, effective 10 days from the date on the NOD indicating termination, unless continuation of assistance is requested pending the outcome of an appeal:

(c) Child care scholarship shall terminate at the end of the eligibility period if a parent, caretaker relative or legal guardian fails to complete a redetermination of eligibility in accordance with He-C 6910.14; or

(d) Child care scholarship shall terminate if the NOD indicates termination of child care scholarship and the department's determination is upheld upon appeal.

He-C 6910.22 Disqualification.

(a) A provider shall be disqualified from participation as a child care provider if:

- (1) The provider is convicted of fraud by the court pursuant to RSA 167:17-b, I(a) or RSA 167:17-c;

- (2) The provider does not meet the criteria in (1) above, but has been found to have committed fraud by an investigation conducted by DHHS pursuant to RSA 161:2, XV;
 - (3) The provider does not meet the criteria in (1) above, but has been found to have made or furnished false or misleading statements to DHHS;
 - (4) The provider does not meet the criteria in (1) above, but has been found to make billing errors after the following has occurred:
 - a. The provider has received a letter from DHHS describing billing errors that have been identified and describing how to bill correctly;
 - b. The provider has received mandated training regarding how to bill correctly; and
 - c. The provider has received a letter of warning regarding the requirement to bill correctly or be terminated;
 - (5) The provider's child care license or permit was denied or revoked for furnishing or making false or misleading statements or reports to DHHS pursuant to RSA 170-E:12, V;
 - (6) The provider fails to comply with the provider agreement in He-C 6910.20(b)(7);
 - (7) The provider has not received payments in over 12 months, in accordance with He-C 6910.19(n); or
 - (8) The health or safety of a child is endangered as a result of the provider's care, as detailed in RSA 170-E:4, II, RSA 170-E:7, He-C 4001.09(a)(3), or He-C 6920.07 and 6920.08.
- (b) If a child care provider is disqualified in accordance with (a) above and commits fraud, as defined in He-C 6910.03(p), in any program administered by DHHS or has had his/her child care license or permit denied or revoked pursuant to RSA 170-E:12, V, then the provider shall be disqualified to participate as a child care provider or receive any state funds under that program for a period of not less than 5 years.
- (c) The exceptions found in He-C 4002.12 shall not apply to a provider who has been disqualified due to fraud.
- (d) The provider who has been disqualified in accordance with (a) above shall be sent written notice from DHHS regarding the disqualification as follows:
- (1) The notice shall be sent via mail to the provider informing him/her of the date the disqualification shall be effective;
 - (2) The notice shall include the reason(s) for the disqualification; and
 - (3) The notice shall include information about the provider's right to appeal the disqualification in accordance with He-C 200.
- (e) The effective date of the disqualification shall be either:
- (1) The effective date shown in the disqualification notice as described in (d)(1);

(2) If an appeal has been requested and the hearings officer upholds the decision by DHHS, the date the hearing decision has been rendered; or

(3) If the basis for the disqualification is (a)(8) above, then the disqualification shall be immediate.

(f) If the provider opted to continue to receive scholarship child care payment during an appeal, and the disqualification is upheld by the hearings officer, the provider shall repay to DHHS any overpayment.

(g) If the hearings officer finds in favor of the provider, then disqualification shall not take effect.

(h) Any parent, caretaker relative, or legal guardian eligible under He-C 6910 who is utilizing the child care services of a provider who has been disqualified due to fraud by DHHS shall be notified via mail that:

(1) The provider does not meet the minimum requirements to operate as a child care provider;

(2) DHHS shall deny child care payment to the provider;

(3) The information obtained by DHHS from or about the provider is confidential and shall not be made available for his/her review; and

(4) DHHS advises that other child care arrangements be made and to contact a child care resource and referral agency.

He-C 6910.23 Appeals for Applicants and Recipients.

(a) A family may appeal within 30 days of the date on a NOD an eligibility decision to reduce, deny, or terminate child care scholarship in accordance with He-C 200.

(b) If a family files an appeal within 10 days of the date of the NOD and requests continuation of child care scholarship, then child care scholarship shall continue at the established payment rate.

(c) If the decision on the appeal upholds the DHHS proposed action, then child care scholarship shall be denied, decreased, or terminated as described in the NOD effective 10 days after the date of the NOD.

(d) If the family opted to continue to receive child care scholarship as provided under (b) above, any overpayment shall be repaid in accordance with He-C 6910.24.

(e) If the decision on the appeal does not uphold the DHHS proposed action:

(1) If the NOD proposed a denial of the application, eligibility shall be established as provided for in the appeal decision and eligibility shall be effective as described in He-C 6910.09(e)(11) or (12); or

(2) If the NOD proposed a decrease or termination of assistance, the family shall continue to receive child care scholarship as provided for in the appeal decision.

He-C 6910.24 Recoupment of Overpayments.

- (a) An overpayment shall have occurred under one of the following conditions:
 - (1) When a family requests continuation of child care scholarship pending the outcome of an appeal and the appeal decision upholds the DHHS proposed action; or
 - (2) For any other reason that a provider received an incorrect higher amount of payment than he/she should have received.
- (b) When an overpayment has occurred, DHHS shall send notice to the provider that an overpayment has occurred and that repayment of the overpayment shall be made in accordance with (c) below.
- (c) The provider shall either:
 - (1) Repay the overpayment within 30 days; or
 - (2) Contact DHHS within 30 days to make an agreement for repayment as follows:
 - a. The provider shall agree to repay at a certain rate until the overpayment is returned in full; or
 - b. The provider shall agree to have the total amount withheld from future payments to the provider, beginning with the next scheduled payment after agreement has been reached or after the 30 days has elapsed, whichever occurs first, until the overpayment is repaid in full.
- (d) If the provider fails to comply with (c) above, then the overpayment shall be recouped in full beginning with the next scheduled payment to the provider after the 30 days has elapsed, or for as long as is necessary to recoup the overpayment in full.

Appendix

<u>Rule</u>	<u>Specific State or Federal Statutes or Regulations the Rule Implements</u>
He-C 6910.01	RSA 161:2, XII; RSA 167:83, I(b) and RSA 167:83, II(o)
He-C 6910.02	RSA 167:77, V(e)
He-C 6910.03	RSA 161:2, XII; RSA 167:58, IV; RSA 167:83, I(b); RSA 167:83, II(o)
He-C 6910.04	RSA 167:79, III(d)–(g); RSA 167:83, II(o)
He-C 6910.05	RSA 161:2, XII; RSA 167:80, IV(b) and (i); RSA 167:82, VI; RSA 167:83, II(o)
He-C 6910.06	RSA 167:83, II(c) and (o)
He-C 6910.07	RSA 167:85; RSA 167:88; RSA 167:90; RSA 167:91
He-C 6910.08	RSA 167:83, II(c) and (o)
He-C 6910.09	RSA 167:79, V(b); RSA 167:82, VI; RSA 167:83, II, II(c)(e)(m)
He-C 6910.10	RSA 167:83, I(b)
He-C 6910.11	RSA 167:83, II(b); RSA 167:83, III(h)
He-C 6910.12	RSA 167:83, II(c) and (o)
He-C 6910.13	RSA 167:83, II(o)
He-C 6910.14	RSA 167:83, II(d)
He-C 6910.15	RSA 167:83, II(o)
He-C 6910.16	RSA 167:83, II(c) and (o)
He-C 6910.17	RSA 161:2, XII; RSA 167:83, II
He-C 6910.18	RSA 161:2, XII; RSA 167:83, II
He-C 6910.19	RSA 167:83, II(o)
He-C 6910.20	RSA 161:2, XII; RSA 167:83, II(o); RSA 167:83, III(g); RSA 170-E:3-a; RSA 170-E:4, II; RSA 170-E:7; RSA 170-E:12
He-C 6910.21	RSA 167:83, II(o)
He-C 6910.22	RSA 161:2, XV; RSA 167:17-b, I(a); RSA 167:17-c: RSA 167:58, IV; RSA 167:61-a, I(a)-(c) and (e); RSA 167:83, II(k); RSA 170-E:7; RSA 170-E:12, V
He-C 6910.23	RSA 167:83, II(a); RSA 541-A:31, I and II
He-C 6910.24	RSA 167:83, II(i)